

The Odisha Gazette



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NOTIFICATION

The 30th November, 2023

No.46891—PT1-HOME-CPM-MISC-0053/2023/CP&M.— In pursuance of the provisions of Section 6 of the Delhi Special Police Establishment Act. 1946 (Act. No. 25 of 1946) and all other powers enabling in this behalf, the State Government of Odisha is pleased to accord consent to the extension of powers and jurisdiction of the members of the Delhi Special Police Establishment Act. 1946 (Act. No. 25 of 1946) for investigation in respect of a case from CBI, SC.III, New Delhi relating to Cyber Crime, Online Child Sexual Abuse punishable under Information Technology Act, 2000 and corresponding offences punishable under the provisions of POCSO Act, 2012.

The allegations are that one Udit Jena @ Udit @ Udit Bidika, a suspected resident of Village Mukundpur, Distt. Rayagada, Odisha and M. Debasis Naik @ Debasis @ Debasis Naik, a suspected resident of Distt. Rayagada, Odisha in criminal conspiracy with unknown others including a British National, are involved in the creation, collection, and circulation of online Child Sexual Abuse Material (CSAM), depicting children in sexually explicit manner from the year 2016 onwards to till date.

The above facts, *prima facie* disclose the commission of offences punishable u/s. 67-B of IT Act, 2000, U/s. 14 & 15 of the POCSO Act, 2012. This consent is accorded for any other offence that may come to light during the investigation of this case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and / or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

By Order of the Government

SANTOSH BALA

Special Secretary to Government

Proforma for making reference to Central Government For CBI/Investigation

SL. No.	Documents to be submitted	Whether documents enclosed. Please indicate yes or no (if no then why)
1	<p>Brief facts of the case to be investigated.</p> <p>(Details as regards the crime -what, how, when, where and by whom may be provided)</p>	<p>Udit Jena @ Udit @ Udit Bidika,a suspectedresident of Village-Mukundpur, Distt. Rayagada, Odisha, M.Debasis Naik @Debasis @ Debasis Naik, a Suspected resident Of Distt. Rayagada, Odisha in criminal conspiracy with unknown others including a British National, are involved in the creation, collection, and circulation of online Child Sexual Abuse Material(CSAM), depicting children in sexually explicit manner during the period between the year 2016 to till date.</p> <p>FIR No.- New case yet to be registered. Section — relevant sections of The Information Technology Act, 2000, The Protection of Children from Sexual Offences Act, 2012 (as amended time to time) and Section 120-B of Indian Penal Code.</p>
2	<p>Copy of the FIR(if case has already been registered by the local Police). If FIR is in local language, the English translation may be provided</p>	NA

3	Result of the investigation done by the local Police, including details of seizures/arrest made and the present status of the accused i.e. whether on bail or in custody	NA
4	Details of Court case, if any, filed in the matter.	NA
5	Justification for referring the matter to CBI including inter-state or transnational ramifications.	NA
6	Reasons regarding local /State Police not being in a position to investigate the matter.	NA
7	Whether the State Government will be ready to place resources-Manpower and logistic support including camp office and vehicles at the disposal of CBI, in case required, in connection with the investigation of the case	To the best of its abilities. State Government is ready to provide all necessary resources and logistics to CBI in case required, in connection with the investigation of the case.



ODISHA POLICE
CRIMINAL INVESTIGATION DEPARTMENT
CRIME BRANCH

No.01/CID - CWOAMU.

Date: 18.10.2023

To

The Spl. Secretary to Govt.
 Home Department, Bhubaneswar.

Ref: File No. 2191 SA0522023S001/CBI/SC-III/ND Dtd. 11.08.2023.

Sub: Issuance of Notification Under Sec. 6 of DSPE Act 1946.

Sir,

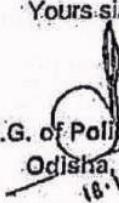
In inviting a reference to the letter on the subject cited above, it is to bring to your kind notice that Dty. Inspector General of Police, Head of Branch, SC-III, CBI, New Delhi, has requested issuance of Notification Under Section 6 of the Delhi Police Service Establishment Act (DSPE Act) 1946 in order to facilitate registration and investigation of a case related to Child Sexual Abuse.

The fact of the case is that the CBI has reliable information from a input dtd. 19.12.2022 against Udit Jena @ Udit @ Udit Bidka and M. Debasis Naik @ Debasis Naik @ Debasis - both from Rayagada Dist, Odisha who have conspired with unidentified others including a British National in creation, collection and distribution of online Child Sexual Abuse materials, depicting children in a sexually explicit manner. This criminal activity is reported to have been transpired since 2016. Notably, the foreign national involved has been apprehended in the UK.

In view of the severity and transnational nature of the allegation, the Central Bureau of Investigation (CBI) is prepared to undertake the investigation and thus requested issuance of Notification as contemplated u/s 6 of the DSPE Act 1946 by the State Govt of Odisha for the purpose of registration as well as investigation of the case. Hence they have requested for issuance of Notification Under Section 6 of the Delhi Police Service Establishment Act (DSPE Act) 1946 in the prescribed proforma (already enclosed in the letter under reference).

This issues with the approval of the DGP, Odisha:

Yours sincerely


 I.G. of Police, CID CB,
 Odisha, Cuttack.
18.10.2023

Address: Buxibazar, Cuttack-753001 Tel- 0671-2304314 / 2306071 / 2304166 / 2304834

email: cwoamu.cyberwing@odishapolice.gov.in



SPCIDCB-CPS-MISC-0083-2023/1/2023



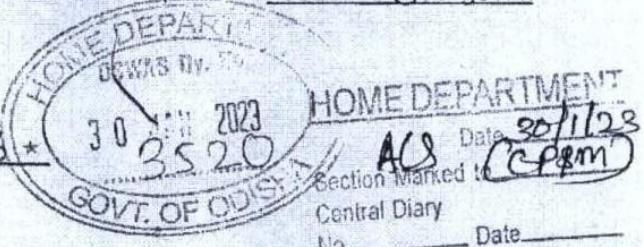
Dy 4055/cso
27.1.23.

SPEED POST / EMAIL

CONFIDENTIAL

Central Bureau of Investigation
OCSAE Unit, Special Crimes. III
Plot No.5-B, Opposite Scope Complex, CGO Complex,
Lodhi Road, New Delhi – 110 003 INDIA
Phone : 011-24368646, e-mail: hobsc3del@cbi.gov.in

File no. SA0522023S0001/ 196 *



To,

ACS Home 24 January 2023

✓ The Chief Secretary
Government of Odisha,
Odisha Secretariate,
Bhubaneswar,
Odisha.

Sub: Issuance of notification under section 6 of the DSPE Act 1946 for registration & investigation of a case related to online Child Sexual Abuse – reg.

Sir,

A reliable source information dated 19.12.2022 has been received from the British High Commission, New Delhi vide ref no. NCA-DEL-108-2022-CBI-UK seeking safeguarding of Indian Child Victims etc.

2. The perusal of above mentioned information, *prima facie* revealed that one Udit Jena @ Udit @ Udit Bidika, a suspected resident of Village Mukundpur, Distt. Rayagada, Odisha and M. Debasis Naik @ Debasis @ Debasis Naik, a suspected resident of Distt. Rayagada, Odisha in criminal conspiracy with unknown others including a British National, are involved in the creation, collection, and circulation of online Child Sexual Abuse Material (CSAM), depicting children in sexually explicit manner during the period between the year 2016 to till date.

3. The above acts constitute offences punishable under the relevant provisions of The Information Technology Act, 2000 and The Protection of Children from Sexual Offences Act, 2012 (as amended time to time). However, at present, there is no

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consent with the CBI to investigate the cases pertaining to The Information Technology Act, 2000 and The Protection of Children from Sexual Offences Act, 2012 (as amended time to time) from the Government of Odisha.

4. In view of the above, it is, therefore, requested that Notification under section 6 of DSPE Act 1946 may kindly be accorded to enable CBI to investigate the case under the provisions of The Information Technology Act, 2000, The Protection of Children from Sexual Offences Act, 2012 (as amended time to time) for the acts of crime as mentioned above. The draft notification u/s 6 of DSPE Act 1946 is enclosed herewith for ready reference.

(K.R. Chaurasia, IPS)
Deputy Inspector General of Police
Head of Branch, CBI/SC-III, New Delhi

Encl., As Above.

Copy to:

The Joint Secretary (S&V), DoPT, Government of India, North Block, New Delhi for taking necessary action in the matter. The draft Notification u/s 5 of the DSPE Act will be sent once the Notification u/s 6 of DSPE Act is received from the Govt. of Odisha.

(K.R. Chaurasia, IPS)
Deputy Inspector General of Police
Head of Branch, CBI/SC-III, New Delhi

BRIEF NOTE

A reliable source information dated 19.12.2022 has been received from the British High Commission, New Delhi vide ref no. NCA-DEL-108-2022-CBI-UK seeking safeguarding of Indian Child Victims.

1. BACKGROUND:

The perusal of above mentioned information has *prima facie* revealed that one Udit Jena @ Udit @ Udit Bidika, a suspected resident of Village Mukundpur, Distt. Rayagada, Odisha, M. Debasis Naik @ Debasis @ Debasis Naik, a suspected resident of Distt. Rayagada, Odisha in criminal conspiracy with unknown others including a British National, are involved in the creation, collection, and circulation of online Child Sexual Abuse Material (CSAM), depicting children in sexually explicit manner during the period between the year 2016 to till date. Thus, they have *prima facie* committed relevant offences punishable under the provisions of The Information Technology Act, 2000, The Protection of Children from Sexual Offences Act, 2012 (as amended time to time) and Section 120-B of Indian Penal Code.

The information also *prima facie* indicates that the Minor Children have been sexually exploited during the period between 2016 to till date and such activities have been digitally recorded and circulated online through various online means by the accused persons in criminal conspiracy with each other.